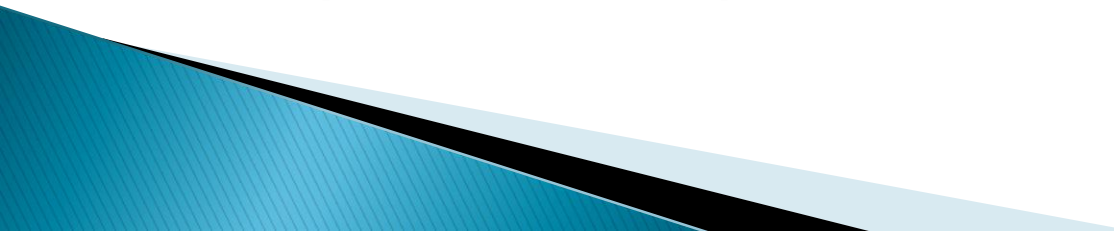


Mediation Statutes

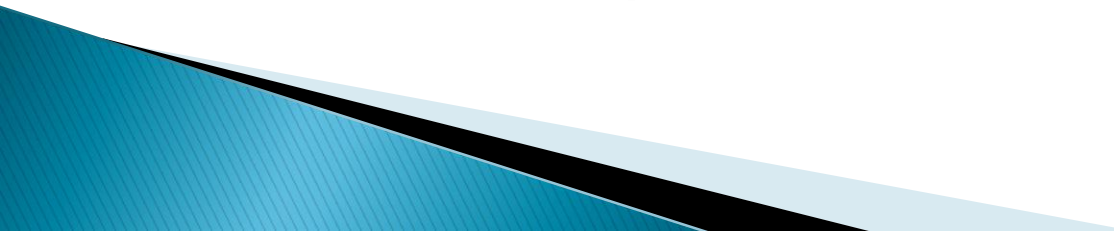
Susan L. Sitze

January 23, 2014


Civil Cases

- ▶ Superior court civil actions – mandatory mediated settlement conference
 - ▶ District court civil actions – chief district court judge to encourage when appropriate alternative
 - ▶ Child custody and visitation – mandatory mediation of contested issues unless waived by the court for good cause shown
 - ▶ Clerk of Superior Court jurisdiction – clerk may order mediation in matters of exclusive or original jurisdiction except matters under Chapter 45 (mortgages and deeds of trust) or Chapter 48 (adoptions)
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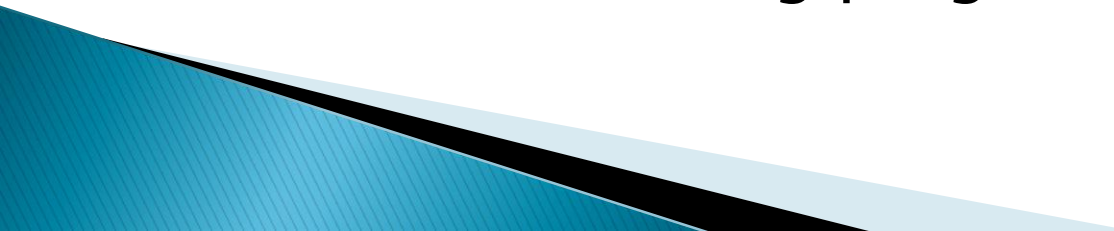
Civil Cases

- ▶ Equitable distribution, alimony, child or post separation support or contract claims under marital, separation, or premarital contract – court may order pretrial mediated settlement conference
 - ▶ Public Records Dispute – mandatory mediation after filing action under Chapter 132
 - ▶ Farm Nuisance Disputes – mediation required prior to filing civil action, but can be waived by agreement of parties
 - ▶ Insurance Claims – prelitigation mediation may be initiated by insurer
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Civil Cases

- ▶ Condominium and Homeowner's Association Disputes – encouraged to mediate prior to filing civil action (except for failure to pay assessments or fines or fees associated with an assessment)
 - ▶ Partition of property – court or clerk may order mediation when partition sale is requested
 - ▶ Abused, neglected, dependent juvenile permanency – mediation required
 - ▶ Juveniles alleged delinquent or undisciplined – diversion play may include victim-offender mediation
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Criminal Cases

- ▶ District court – court may encourage mediation for any criminal district court action pending
 - ▶ Misdemeanor citizen-initiated arrest warrant – shall be referred to mediation unless domestic violence, judge or DA determines mediation inappropriate, or no mediation services available; any prosecutorial district may opt out of requirement by decision of DA
 - ▶ Worthless check programs – community mediation centers authorized to assist AOC and DAs in establishing programs
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Questions?